

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3
4 Eric Ryan Scott,
5 Plaintiff

6 v.

7 Clark County Detention Center,
8 Defendant

2:16-cv-02334-JAD-VCF

Order Dismissing and Closing Case

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10 On October 7, 2016, I ordered pro se plaintiff Eric Ryan Scott to file a fully completed
11 application to proceed *in forma pauperis* or pay the full filing fee by November 7, 2016, or face
12 dismissal of this action. This deadline has expired, and Scott has not filed a completed application,
13 paid the filing fee, or requested an extension to do so.

14 District courts have the inherent power to control their dockets and “[i]n the exercise of that
15 power, they may impose sanctions including, where appropriate . . . dismissal” of a case.¹ A court
16 may dismiss an action based on a party’s failure to prosecute an action, failure to obey a court order,
17 or failure to comply with local rules.² In determining whether to dismiss an action on one of these
18 grounds, the court must consider: (1) the public’s interest in expeditious resolution of litigation; (2)
19 the court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy
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23 ¹ *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).

24 ² See *Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995) (dismissal for noncompliance with local
25 rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992) (dismissal for failure to comply
26 with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440–41 (9th Cir.
27 1988) (dismissal for failure to comply with local rule requiring *pro se* plaintiffs to keep court
28 apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for
failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986)
(dismissal for lack of prosecution and failure to comply with local rules).

1 favoring disposition of cases on their merits; and (5) the availability of less drastic alternatives.³

2 The first two factors, the public's interest in expeditiously resolving this litigation and the
3 court's interest in managing its docket, weigh in favor of dismissal. The third factor, risk of
4 prejudice to defendants, also weighs in favor of dismissal because a presumption of injury arises
5 from the occurrence of unreasonable delay in filing a pleading ordered by the court or prosecuting an
6 action.⁴ A court's warning to a party that his failure to obey the court's order will result in dismissal
7 satisfies the fifth factor's "consideration of alternatives" requirement.⁵ The fourth factor—the public
8 policy favoring disposition of cases on their merits—is greatly outweighed by the factors favoring
9 dismissal. Accordingly,

10 IT IS HEREBY ORDERED that **this case is DISMISSED without prejudice**. The Clerk of
11 Court is instructed to CLOSE THIS CASE.

12 Dated this 16th day of November, 2016.

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14 Jennifer A. Dorsey
15 United States District Judge
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25 ³ *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423–24; *Malone*, 833 F.2d at 130; *Ferdik*,
26 963 F.2d at 1260-61; *Ghazali*, 46 F.3d at 53.

27 ⁴ *See Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).

28 ⁵ *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132–33; *Henderson*, 779 F.2d at 1424.